

**REMARKS**

Claims 1, 3, 5, 7, 10, and 15–18 are pending in the application, of which Claims 1, 3, 5, and 7 are independent. Claims 15–18 have been objected to for informalities and Claims 1, 3, 5, 7, 10, and 15–18 have been rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the objections and rejections and request reconsideration.

**Claim Objections**

Claims 15–18 have been objected to for informalities. The Office suggests that the indefinite article “a” should be changed to the definite article “the” because Claims 15–18 are referring to independent claims. Those claims and Claim 10 have been amended accordingly.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1, 3, 5, 7, 10, and 15–18 have been rejected as being unpatentable over Wong *et al.*, U.S. Patent Application Publication No. 2004/0037278 A1 (hereinafter “Wong”), in view of U.S. Patent No. 6,580,715 B1 (hereinafter “Bare”), further in view of Ahmadi *et al.*, U.S. Patent No. 5,233,604 (hereinafter “Ahmadi”). Applicants respectfully disagree.

**Disqualification of Bare as Prior Art**

Applicants respectfully note that cited reference Bare fails to predate the earliest effective filing date of the present application, and, thus, should not be considered to be prior art at least with respect to Claims 3 and 7. Specifically, Bare claims priority to a provisional application (No. 60/084,278), filed May 4, 1998. However, the present application is a continuation of U.S. Application No. 09/073,842, filed May 6, 1998, which claims the benefit of U.S. Provisional Application No. 60/082,923, filed April 24, 1998. Support for Claims 3 and 7 can be found at page 3, first two paragraphs and Figure 6 in the provisional application. Therefore, Bare’s earliest priority date post-dates the earliest effective filing date of Claims 3 and 7. As such, withdrawal of the rejections under 35 U.S.C. §103(a) and acceptance of Claims 3, 7, 17 and 18 are respectfully requested.

Even if Bare were prior art, the rejections are traversed.

Claims 1, 5, 10, 15, and 16

The Office acknowledges that the combination of Wong and Bare (submitted to be disqualified as prior art) fails to disclose “*dynamically weighting a number of entries to each route to the common destination*,” as recited in Applicants’ Claims 1 and 5, and cites Ahmadi for these elements. Applicants respectfully disagree.

Ahmadi’s route determination technique discloses a method of producing optimum paths between arbitrary nodes of a packet switching system, taking into account the hop count and the path length. *See* Ahmadi, col. 2, lines 38–46. Specifically, Ahmadi describes a process for determining paths through a packet communications system for the purpose of finding the path with minimum hops from the source to the destination node. *See* Ahmadi, col. 6, lines 35–39. Ahmadi is merely concerned with recognizing a path, from one arbitrary node to a second arbitrary node in the network, with a minimum number of hops.

Ahmadi’s Fig. 4 shows a table maintaining information and characteristics of each link in the network. For example, Ahmadi defines load thresholds (capacity) of links in the network in one of two ways: 1) is the transmission link a principal link in a route or 2) is the transmission link a secondary link in a route. *See* Ahmadi, col. 4, lines 57–68. Principle links are defined as a leg of a principal path where the principal path contains minimum hop counts; whereas secondary links are all other links on secondary paths with non-minimum hop counts. *See* Ahmadi, col. 4, line 60 through col. 5, line 4. In other words, Ahmadi maintains this information to determine primary and secondary paths through a network in order to find the minimum hop count paths; Ahmadi is not concerned with “*dynamically weighting a number of entries to each route to a common destination*.”

Because neither Wong nor Ahmadi suggests “*dynamically weighting a number of entries to each route to a common destination*,” as in Claims 1 and 5, combining Wong with Ahmadi does not result in a method or router that includes “*dynamically weighting a number of entries to each route to a common destination*.” Thus, Claims 1 and 5 patentably distinguish Wong and Ahmadi. Wong and Ahmadi also fail to disclose dynamic weighting that “*favors a shortest route to the destination*,” as in Claims 15 and 16, so Claims 15 and 16 patentably distinguish Wong and Ahmadi for additional reasons as well. Claim 10, which depends from Claim 5, is patentable

over Wong and Ahmadi because Ahmadi does not remedy the deficiencies of Wong with respect to Claim 5, as described above.

Accordingly, Applicants respectfully submit that the rejections of Claims 1, 5, 10, 15, and 16 are overcome and request withdrawal of the same.

#### Claims 3, 7, 17, and 18

The Office acknowledges that the combination of Wong and Bare (submitted to be disqualified as prior art) fails to disclose “*routes in the table being dynamically rewritable for a load to approach balance across the trunks,*” as recited in Applicants’ Claims 3 and 7, and cites Ahmadi for these elements. Applicants respectfully disagree.

Ahmadi describes a database to store a list of information and characteristics of each link in the network. Ahmadi specifically discloses that the “minimum hop count and the length of the path to each node [characteristics]...is kept on the list.” Ahmadi, col. 8, lines 65–68. In other words, Ahmadi’s database cannot be “*dynamically rewritable*” because Ahmadi requires this information be kept on the list for use in multiple different situations at different times. For example, Ahmadi requires the information at one time in order to compile a first list identifying the minimum hop count paths, and at another time, in order to compile a second list identifying the path with the minimum delay. See Ahmadi, col. 8, lines 55–62.

Therefore, combining Wong and Ahmadi does not yield “*routes in the table being dynamically rewritable for a load to approach balance across the trunks,*” as recited in Claims 3 and 7, much less “*a first dynamically rewritable route...[that] is configured to be rewritten with a second dynamically rewritable route,*” as in Claims 17 and 18.

Accordingly, Applicants respectfully submit that the rejections of Claims 3, 7, 17, and 18 are overcome and request withdrawal of the same.

#### Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

**CONCLUSION**

In view of the above remarks, it is believed that all pending claims, Claims 1, 3, 5, 7, 10, and 15–18, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By /James M. Smith, Reg. No. 28,043/\_\_\_\_\_  
James M. Smith  
Registration No. 28,043  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133  
Date: March 18, 2010